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LAW OFFICES OF NEIL B. CHECKMAN

January 31, 2014

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
By ECF and regular mail

**Re: United States v. Marcos Mendez-Perez,
S-2 13 Cr. 31 (KBF)**

Dear Judge Forrest:

As the Court is aware, I am the attorney assigned pursuant to the Criminal Justice Act to represent Mr. Marcos Mendez-Perez on the above-referenced Information.

I write to formally object to the Court's failure to give counsel for the defendant Notice of Possible Departure from the sentencing Guidelines as is required by Rule 32(h) of the Federal Rules of Criminal procedure.

According to the Rule, "[b]efore the court may depart from the applicable sentencing range on a ground not identified for departure either in the presentence report or in a party's prehearing submission, the court must give the parties reasonable notice that it is contemplating such a departure. The notice must specify any ground on which the court is contemplating a departure.

Very truly yours,



Neil B. Checkman

/NBC

cc: A.U.S.A. Rebecca Mermelstein and A.U.S.A. Amanda Kramer (BY ECF, e-mail and regular mail)